

Grounds

FOR A DECLARATION OF INVALIDITY

INTRO ADVOCATE TRAINING 2022
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1

INCAPACITY

Can. 1095. The following are incapable of contracting marriage:

- 1º those who lack the sufficient use of reason;
- 2º those who suffer from a grave defect of discretion of judgment concerning the essential matrimonial rights and duties mutually to be handed over and accepted;
- 3º those who are not able to assume the essential obligations of marriage for causes of a psychic nature.

Binder Tab 6, pp. 1-10

2

Canon 1095, 1º

Lack of Due Reason

Inability to make use of human intellect and will

May be temporary or permanent

Dementia

3

Canon 1095, 2^o
Lack of Due Discretion

Inability to evaluate circumstances in order to make prudential judgment concerning intended spouse or marriage itself due to a psychic anomaly.

4

Canon 1095, 3^o
Lack of Due Competence

Incapacity to assume responsibilities of marriage due to psychological causes.

5

Canon 1095
Incapacity

Required Proof:

- Impossibility, not difficulty
- Psychic anomaly
- Expert Opinion

6

Time for questions



7

SIMULATION

Can. 1101 §1. The internal consent of the mind is presumed to conform to the words and signs used in celebrating the marriage.

§2. If, however, either or both of the parties by a positive act of the will exclude marriage itself, some essential element of marriage, or some essential property of marriage, the party contracts invalidly.

8

Consent makes marriage

The law presumes that the external manifestation of consent is in complete harmony with the person's real internal intention.

9

Summary

**A PERSON
CAN
SIMULATE:**

➔

➔

Totally: Marriage itself

Partially:
*Children, Fidelity,
Perpetuity, Good of the
Spouses, Sacramentality*

10

Canon 1101 §2

Total Simulation

No internal consent to marry

Participates in ceremony for some other external reason (e.g., to obtain citizenship)

11

PARTIAL SIMULATION

- (1) **Intention Against Children** (*Contra Bonum Prolis*)
- (2) **Intention Against Fidelity** (*Contra Bonum Fidei*)
- (3) **Intention Against Perpetuity** (*Contra Bonum Sacramenti*)
- (4) **Intention Against the Good of the Spouses**
(*Contra Bonum Coniugum*)
- (5) **Intention Against Sacramentality**
(*Contra Bonum Sacramentalitatis*)

12

Canon 1101 §2
Contra bonum Prolis
Intention against Openness to Children

The person intends to marry in a fashion, but excludes the intention to engage in acts which are *per se* apt for the procreation of children.

13

Canon 1101 §2
Contra bonum Fidei
Intention Against Fidelity

The person intends to marry, but reserves the right to sexual relations with a third party.

14

Canon 1101 §2
Contra Bonum Sacramenti
Intention against Permanence

The person intends to marry but reserves right to dissolve the marriage if difficulties arise.

15

Canon 1101 §2
Contra bonum Coniugum
Intention against the Good of the Spouses

The person intends to marry, but for purely selfish reasons with no regard for the good of the other party.

16

Canon 1101 §2
Contra bonum Sacramentalitatis
Intention against Sacramentality

The person intends to marry, but does not recognize marriage as a sacrament.

17

Canon 1101
Simulation

Proof Required:

- Confession (direct or indirect)
- Motive
- Personality
- Confirmation by witness

18

Time for questions



19

Ignorance

Can. 1096, §1. For matrimonial consent to exist, the contracting parties must be at least not ignorant that marriage is a permanent partnership between a man and a woman ordered to the procreation of offspring by means of some sexual cooperation.

§2. This ignorance is not presumed after puberty.

20

Canon 1096
Ignorance

What is ignorance?

The law presumes that after puberty, a person knows that marriage entails:

- A permanent Partnership
- Heterosexual
- Procreation through sexual cooperation

21

Canon 1096
Ignorance

Proof required:

- Reason for post-pubescent ignorance
- Reason for marriage

22

Time for questions



23

Force and Fear

Can. 1103. A marriage is invalid if entered into because of force or grave fear from without, even if unintentionally inflicted, so that a person is compelled to choose marriage in order to be free from it.

24

Canon 1103
Force and Fear

Force (external)

Fear (internal)

- Reverential fear

Grave

Extrinsic

Causative of marriage

25

Canon 1103
Force and Fear

Proof required:

- Threat: direct or indirect
 - Physical harm, moral pressure
- Aversion to marriage or partner
- Inescapable except through marriage
- Reverential fear: relationship, circumstances

26

Time for questions



27

Error of Person and Quality

Can. 1097, §1. Error concerning the person renders a marriage invalid.

§2. Error concerning a quality of the person does not render a marriage invalid even if it is the cause for the contract, unless this quality is directly and principally intended.

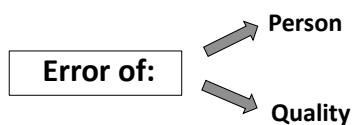
28

What is error?



29

Summary



30

Canon 1096, §1

Error of Person

This ground is rarely used
Regards actual physical person

Required Proof:

- Actual person one intended to marry was not the person with whom the ceremony was celebrated.

31

Canon 1096, §2

Error of Quality

Quality (e.g., moral, physical, social, religious, legal)
Directly and principally intended
Quality overshadows person

Required Proof:

- Principal reason to marry was presumed existence or absence of particular quality, yet was erroneous.
- Evidence of influence on decision to marry
- Reaction to discovery

32

Time for questions



33

Dolus
(Fraud or Deceit)

Can. 1098. A person contracts invalidly who enters marriage deceived by malice, perpetrated to obtain consent, concerning some quality of the other person which by its very nature can gravely disturb the partnership of conjugal life.

34

Canon 1098
Dolus (Fraud or Deceit)
Imposed error, fraud

Manipulates the will

Deceit deliberate to obtain consent

Quality objectively serious

Disruptive of consortium

Real and present

35

Canon 1098
Dolus (Fraud or Deceit)
Proof required:

- Seriousness of quality (e.g., disease, children, homosexuality, criminal record, drug use, etc.)
- Motive of deceiver
- Weight of fraud on the one deceived
- Reaction when discovered
- Connection to disruption of consortium
- Fraud concerning grave quality successfully perpetrated to obtain consent

36

Time for questions



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37

Error of Law

Can. 1099. Error concerning the unity or indissolubility or sacramental dignity of marriage does not vitiate matrimonial consent provided that it does not determine the will.

38

Canon 1099

Error of Law

Error must determine the will
Not simple error or prevailing error; but determining error
Marriage cannot be conceived of in any other way
Substantially irreconcilable with true marriage
Unity (e.g., polygamy, infidelity)
Indissolubility (e.g., divorce mentality)
Sacramental dignity (e.g., civil matter only)

39

Canon 1099

Error of Law

Proof required:

- Confession
- Circumstances of life
- Depth of error
- Influence on will
- Compelled by erroneous beliefs

40

Time for questions



41

Conditioned Consent

Can. 1102, §1. A marriage subject to a condition about the future cannot be contracted validly.

§2. A marriage entered into subject to a condition about the past or the present is valid or not insofar as that which is subject to the condition exists or not.

§3. The condition mentioned in §2, however, cannot be placed licitly without the written permission of the local ordinary.

42

Canon 1102
Condition

Marriages celebrated prior to November 27, 1983 (1917 Code of Canon Law)

- A licitly placed future condition would invalidate that marriage only if the condition were not fulfilled.

Marriages celebrated after November 27, 1983 (1983 Code of Canon Law)

- A future condition invalidates marriage whether or not that condition is fulfilled.

43

Canon 1102
Condition

Proofs required:

- Relationship to decision to marry
- Would marriage have occurred without condition?
- Reason for the agreement
- Real condition or only a mode?

44

Time for questions



45
